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ORDINANCE NO. 86-27

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS PROVIDING FOR
AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA,
PROVIDING FOR NON-INTERFERENCE CLAUSE PROVIDING FOR TITLE;
PROVIDING FOR ADOPTION OF AMENDMENT TO CHARTER; PROVIDING FOR
REFERENDUM; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR FORM
OF NOTICE; PROVIDING FOR ADOPTION BY FOUR-FIFTHS VOTE OF BOARD
OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR EFFECTIVE DATE.

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WHEREAS, Section 1(c), Article VIII of the Constitution of the
State of Florida provides that by general law a county government may be
established by charter, and

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WHEREAS, the optional county charter law, Sections 125.80
through 125.88, Florida Statutes, (inclusive), provide that the Board of
County Commissioners may propose a charter by ordinance subject to
approval of the charter by referendum, and

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WHEREAS, the voters of Palm Beach County did adopt a charter
for Palm Beach County at the general election on November 6, 1984
effective January 1, 1985, and

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WHEREAS, the Board of County Commissioners through its staff
has proposed charter amendments it feels would provide better government
for Palm Beach County, and

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WHEREAS, informational hearings on the proposed charter
amendments have been held throughout Palm Beach County to inform the
public about this charter amendment ordinance and to receive suggestions
to improve the charter, and

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WHEREAS, passage of this ordinance will allow the residents of
Palm Beach County to adopt the proposed charter amendment or not at a
general election to be held November 4, 1986.

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NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

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SECTION 1 - TITLE:

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This ordinance may be cited as the "Non-Interference Clause
Charter Amendment Ordinance".

1 SECTION 2 - ADOPTION OF CHARTER AMENDMENT:

2 Subject to the approval of the electorate as required by the
3 Constitution and Laws of Florida and Section 3 of this ordinance, the
4 amendment to the charter entitled "Non-Interference Clause" shall be as
5 follows:

6 Section 2.5 Non-Interference Clause

7 Except for the purposes of inquiry and information, the
8 commission members are expressly prohibited from interfering with the
9 performance of the duties of any employee who is under the direct or
10 indirect supervision of the county administrator. Such action shall be
11 malfeasance within the meaning of Article IV, Section 7(a) of the Florida
12 Constitution.

13 SECTION 3 - REFERENDUM:

14 On November 4, 1986, a general election is to be held and in
15 accordance with the requirements of the Constitution and Laws of Florida,
16 the question on the ballot shall be as follows:

17 NON-INTERFERENCE CLAUSE:

18 "Shall there be an amendment to the Palm Beach County Charter
19 providing for: prohibition of the members of the Palm Beach County
20 Commission from interfering with the daily administration of County
21 business; prohibition against interference with employees under
22 supervision of the County Administrator; acts of malfeasance under the
23 Florida Constitution?"

24 Yes _____

25 No _____

26 SECTION 4 - FORM OF NOTICE:

27 The form of notice of the election by which this charter
28 amendment shall be submitted to referendum shall contain the complete
29 text of this ordinance setting forth the entire proposed charter
30 amendments. This ordinance shall be advertised in its entirety as
31 provided by law.

1 SECTION 5 - ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY

2 COMMISSIONERS:

3 Pursuant to Section 6.3 of the Palm Beach County Charter this
4 ordinance providing for amendment to the Palm Beach County Charter was
5 adopted by an affirmative vote of at least four (4) members of the Board
6 of County Commissioners of Palm Beach County.

7 SECTION 6 - SEVERABILITY:

8 If any section, paragraph, sentence, clause, phrase, or word of
9 this ordinance is for any reason held by the Court to be
10 unconstitutional, inoperative or void, such holding shall not affect the
11 remainder of this ordinance.

12 SECTION 7 - INCLUSION IN THE CHARTER:

13 The provisions of this charter amendment hereby approved shall
14 become and be made a part of the Charter of Palm Beach County, Florida.
15 The Articles or Sections of this charter amendment ordinance may be
16 renumbered or relettered to accomplish such, and the word "amendment" may
17 be changed to "section," "article," or any other appropriate word.

18 SECTION 8 - EFFECTIVE DATE:

19 The charter amendment shall become law on January 1, 1987, if
20 approved by a majority of those electors voting on the matter.

21 APPROVED AND ADOPTED by the Board of County Commissioners of
22 Palm Beach County, Florida, on the 26th day of August, 1986.

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PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By John B. Dunkle Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

County Attorney

Acknowledgement by the Department of State of the State of
Florida, on this, the 5th day of September, 1986.

Acknowledgement from the Department of State
received on the 11th day of September, 1986, at 1:23 P.M., and filed in
the Office of the Clerk of the Board of County Commissioners of Palm
Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on August 26, 1986
DATED at West Palm Beach, FL on 9/15/86
JOHN B. DUNKLE, Clerk
By: Orie Oliver D.G.
Deputy Clerk